

**TOWN OF SOMERS**  
**Conservation Commission**  
**600 Main Street**

**REGULAR MEETING**  
**WEDNESDAY, NOVEMBER 4, 2020**

**7:00 PM – VIRTUAL MEETING VIA TELECONFERENCE (ZOOM)**  
**MINUTES**

I. CALL TO ORDER

Meeting called to order by Chairperson Joan Formeister at 7:01pm. Commissioners in attendance were Candace Aleks, Daniel Fraro, Greg Genlot, Drew Kukucka, and Karl Walton. Also in attendance were recording secretary Tara Comrie and Wetland Agent Shapiro.

II. OLD BUSINESS

**None**

III. NEW BUSINESS

1. **Informal Discussion:** 242 Billings Road. Possible Subdivision. Renee Rumore. Renee Rumore and representative Jay Ussery on the call. Agent Shapiro states that she sent out a conceptual plan to the commission members that was drawn up for discussion purposes.

Mr. Ussery explained that Renee owns 32 acres on Billings Rd. where she and her father have adjacent homes on one property. At this point in time she's looking to build a new house for the two to share due to the age and caregiving needs of her father. The house that she's currently in is not handicap accessible.

Mr. Ussery stated that Ms. Rumore is aware of wetland issues as flagged by Rick Zulick, and would like to run the issues by the commission in advance of submitting an application in order to get feedback on the feasibility of the project.

Ms. Ussery shared an aerial photograph of the town's GIS showing Billings Rd. and the location of the houses on Ms. Rumore's property. He explained the orientation of the property as it relates to the neighboring streets and properties. He pointed out a watercourse running through the property on the GIS. He stated that the watercourse runs into Abby Brook which eventually runs into the Scantic River. He states that there is a tributary running through the property to Abby Brook and that the wetlands involved in Ms. Rumore's proposal are associated with the tributary.

He states that Ms. Rumore would like to put the house on the property and run a driveway to Billings Rd as well. My Ussery then showed the commission a 40 scale conceptual plan, focused on the location where the house and driveway could possibly be built. Mr. Ussery showed on the map where the neighboring property lines were located, where the driveway would preferably be built, and where the footprint of the house would be located. He highlighted the location of the wetlands and upland review areas on the map and indicated that the driveway would be passing through a large wetland area, and would connect three small upland areas before reaching the part of the property where the house would be built. He stated that the portion of the land outside of the wetland area (where the house would be located) is approximately 150' wide and 300' long within the wetland boundary. He then showed the upland review area and a 50' buffer area on the map to the commission, putting the house in the upland review area but

more than 50' from the wetland. He showed where the septic leach field would be located, also more than 50' away from the wetland.

Mr. Ussery explained that building the driveway and concurrent utilities would result in 4400 sqft of wetland disturbance and fill. They would be stripping out organics to add gravel. He stated that there is room to do mitigation with plantings and that they would be willing to do so if there was any possibility of an application being approved.

Mr. Ussery stated that the area was once farmland and that the vegetation is currently light woodland with scrub shrub, but that the back of the planned house space is relatively open.

Greg Genlot asks Mr. Ussery to confirm that the size of the lot is 32 acres. Mr. Ussery reviewed the GIS once again, pointing out property lines and current houses on the property. Mr. Ussery also told the commission that there was an easement on the property due to Eversource transmission line that takes up a significant portion of the property.

Greg Genlot stated that he would like to know if putting the house in another location on the property had been considered. Mr. Ussery stated that Agent Shapiro had also asked about finding another location. He explained that finding an alternative placement would be a challenge due to the transmission line, as well as the fact that an alternate placement for the driveway would still disturb a significant portion of the wetland along with crossing the 100 year flood zone.

Karl Walton asked where the planned subdivision lines would go in the case that another house was put on the property. Mr. Ussery explained that since there would be three dwellings on the property, the lines would separate each house onto a separate lot. The smallest lot would be a minimum of 40,000 sqft. and the other two lots could be expected to each have 10-15 acres. They would submit a subdivision application to the Planning Committee to create a new lot line if they received positive feedback from the Conservation Commission.

Karl Walton states that the wetland on the property is one of the more important wetlands in the town, although the property is on the less important side of the wetland. He states that this wetland comes from behind Egypt Rd and behind the Union Agricultural Society and the farm.

Mr. Ussery stated that the tributary on Ms. Rumore's property goes back toward the high school and goes under Field Rd and in the hollow off of Field Rd it is part of the ponds that are used as a trout hatchery. He says that it's not only an intermittent stream.

Drew Kukucka asked Mr. Ussery how wide the Eversource easement is and Mr. Ussery stated that he could include it on the plan and that he believes it to be 300'. Drew Kukucka then asked whether building is prohibited in the easement and Mr. Ussery stated that building structures are prohibited. He also stated that being too near the powerlines was undesirable for the potential health risks and also the challenges to finding a buyer in the future.

Joan Formeister reminded the commission that 4000 sqft is a substantial impact and that the construction process would also include additional impact.

Drew Kukucka agreed that it is significant and stated that he would like to see what alternatives exist. He stated that he's concerned about the disturbance that would be caused by the house construction, since it's such a small piece of land surrounded by wetlands.

Mr. Ussery replied that the house does not encroach into the zoning setback and that it is in fact 25' away. The corner of the garage is 50' away from the wetland.

Joan Formeister stated that the driveway turnaround area looks like it gets very close to the wetland and Mr. Ussery replied that it's 10-15' away at the corner but that it's possible to put the driveway on the other side of the house by using a front garage instead of a side garage, eliminating about 35' of driveway.

Candace Aleks asked if it would be possible to put culverts under the driveway in order to keep the wetland flowing and Mr. Ussery replied that the neighbor has a culvert under their driveway and it would certainly be a possibility to maintain surface flow. Their plan would not be created in a way to dam the waterflow and could potentially include underground pipes as well.

Mr. Ussery suggested adding detail to the plan and coming back to the commission for additional feedback.

Agent Shapiro said that she had initially been speaking with Mr. Ussery to try to come up with ways to minimize impact such as changing the entrance of the garage and the footprint of the house, but then realized that beyond the issue of disturbance, there is a procedural problem in the fact that this isn't an existing lot. A new lot would have to be created through subdivision and the creation of that lot would require significant wetland disturbance, which would be considered differently than an application to build on an existing lot containing wetlands, where access would typically have to be granted. This is a different situation for the commission to consider, to allow a new lot with this issue. Joan Formeister reminded the commission that there isn't a formal application for the plan and that the owner was in front of the commission to get feedback on the feasibility of the plan.

Renee Rumore said to the commission that she feels that building the house is the only option that will allow her to care for her father but that she will respect the expertise of the commission in whatever decision is made.

Drew Kukucka said that he would be interested in seeing alternatives since this particular plan pushes the envelope of what is usually seen by the commission and that the impact is significant.

Daniel Fraro asked whether a lot adjacent to Ms. Rumore's property belonged to her and Karl Walton said that it does not.

Joan Formeister said that although the commission tries to be understanding and work with applicants, it is their duty to follow regulations and to maintain precedent.

Agent Shapiro agrees that the disturbance is far more significant than the commission usually sees, and the fact that it involves creating a new lot makes it even more difficult. Due to the expensive nature of the robust process involved in approval of an application with significant impact, the commission wants to be forthcoming with the owner.

Mr. Ussery states that he and Ms. Rumore will discuss the alternatives and whether or not it makes sense to proceed with an application. He asks the commission to feel free to pass on any additional feedback through Agent Shapiro in the coming weeks.

**1. Application #739:** 23 Eleanor Road. 25-Unit Housing Development in the Upland Review Area. Gingras Development II LLC/Tom Carenzo.

Agent Shapiro states that in 2006 there was an approved application to extend Eleanor Rd and create a multi-family housing development. It has since expired. The developer has been able to remove the age restriction on the development through the Zoning Commission. Since changes have been made to health codes, they are able to add more units and still have the septic accommodated on the site.

George Schober states that he is an attorney working with Tom Carenzo and Wes Wentworth on the project. He confirmed that the project is for 25 units and that the original application was for 17 units. The plans for extending Eleanor Rd remain the same on both applications. Mr. Schober states that the disturbance in the wetland is minimal. Wes Wentworth is an engineer and a soil scientist and that the project was designed with Aeschliman Surveying. The property will have 7 duplexes with 11 standalone homes and there will be a condo association. The activity in the regulated area is similar to what was proposed in 2006.

Wes Wentworth is on the call to speak on behalf of Gingras Development.

Agent Shapiro shared the map and plan of the entire site with the commission. Mr. Wentworth describes the location of the property and states that it is 22.5 acres in size. He states that the site has public water but will have individual septic systems for each building. The site is currently vacant. There is a wetland system to the east of the property that runs down Eleanor Dr to the south and crosses under Eleanor Dr via a culvert. There are approximately 6.7 acres of wetlands on the site. According to the plan Eleanor Rd would be extended into a cul-de-sac which would be a private road to serve access to the units.

Mr. Wentworth confirms that the new application only adds more units due to a change in health code. Septic systems could only discharge 5000 gallons per day but new regulations allow 7500 gal to be discharged daily. This translates into 33 bedrooms total under old regulations, but new regulations allow for 50 bedrooms on the site. There also have been technical advances in leaching fields that allow for a more efficient use of space.

Mr. Wentworth stated that the soils are excellent on the west side of the site. They are very sandy and gravelly where the septic systems are proposed.

Joan Formeister pointed out that on the map the septic systems are all grouped together. George Schober confirmed this and stated that the purpose of their placement was to keep them as far from the wetlands as possible. He stated that there is a detention basin to the front of the property down by the existing Eleanor Rd.

Mr. Wentworth stated that stormwater on the property will be directed to the detention basin that will act as a small pocket pond or micropool take care of stormwater quality and overflow. There will be a small riprap apron extended into the wetlands but other than that there is no activity in the upland review area.

Mr. Wentworth states that erosion and sediment control will also be taken care of by the detention basin during construction. There will also be a temporary sediment basin during construction with a silt fence. There's a low to moderate potential for sediment displacement due to the fact that there's very little slope in the site and there is mostly loamy sand and gravel throughout the site.

Mr. Wentworth says that there will be two phases of construction. Currently they have submitted one set of plans to the health department and have gone through one round of changes to the plan. They will also be looking for an initial review from the Conservation Commission and the town engineer and will make any necessary design changes.

Greg Genlot asked Mr. Wentworth if the detention basin is the same on both the old and new application. Mr. Wentworth replies that it is. Greg Genlot states that he thought the town engineer was asking for it to be reconfigured. Mr. Wentworth stated that he had just dropped off the stormwater report that morning that demonstrated all of the requirements of the detention basin were met and no changes need to be made to it.

Joan Formeister asked Mr. Wentworth to tell the commission about the type of wetland that is on the property. He replied that it's a wooded site with a scrub shrub wetland of medium density. The wetland is shaded by a tree canopy. It's an attractive wetland with water treatment value. He reminded the commission that his work will have no impact on the wetland.

Joan Formeister asked Mr. Wentworth if the site will be maintained as it is. He replied that it will and that the site would be 8.5% impervious and will remain 63-65% wooded.

Agent Shapiro asks Mr. Wentworth if he is planning on doing formal functions and values assessment for the wetland. The file also references a delineation from 1987 which was reconfirmed in 2006. Regulations require that a soil scientist signs the plan.

Mr. Wentworth says he reached out to John Ianni to see if he would sign off on it. If he doesn't reach him, Mr. Wentworth will delineate it and sign off in time for next meeting.

Agent Shapiro stated that she walked the site and getting to the wetland is difficult and there's no wetland flags in place. Mr. Wentworth agrees that the flags are missing. Agent Shapiro asked to have flags put into place to be a frame of reference to help her to check on different points of the proposed development.

Agent Shapiro stated that she'd done a preliminary review and made a lot of notes regarding the plans. She will type up the notes and send them to Wes Wentworth. One concern in her notes is regarding a hill on the west side of the site that would be cut down substantially where the septic piping would go to the leach field. In the original plan the hill would not be cut down. Also, the road was proposed to bend closer to the wetlands on the east. Cutting the hill down opens up the potential for moving the road to the west to get more separation from the wetlands.

Mr. Wentworth stated that he is open to necessary design changes.

Agent Shapiro asks whether or not the commission feels like a public hearing would be necessary.

Karl Walton stated that it would be premature to consider a public hearing until the changes and adding of details to the plan were complete.

Agent Shapiro stated that some of the issues are very simple to resolve and others will require more consideration. She stated that there are two acres of disturbance in the upland review area that need to be discussed. If the commission decides it warrants a public hearing in the future it can be arranged.

Mr. Wentworth stated that he feels very comfortable with the revisions and feels as if they can get them taken care of in time to review for the December meeting.

Drew Kukucka asked whether the stormwater basin is existing already or not and Mr. Wentworth stated that it does not currently exist. Drew Kukucka then asks if the proposed clearing changed in the new application and Mr. Wentworth states that there is no change.

George Schober stated that the footprints of the units have shrunk since the previous application.

Mr. Wentworth replied that he can get an exact calculation of the impervious area for the commission in time for the December meeting. He expects that the increase will be insignificant.

Joan Formeister asked if anyone has anyone has any additional questions or comments.

Mr. Wentworth asks that if the commission sees the need for a public hearing if he can be notified as soon as possible.

Joan Formeister stated that although the project is significant, the impact is not. The rest of the commission indicated that they agree.

George Schober told the commission that no work had started on the project at this point.

Joan Formeister asked if there are any questions or comments and all commission members say they do not have any.

2. **Application #740:** 50 Hangdog Lane. Construct Driveway and Repair Drainage in Upland Review Area. Roulier Family Partnership/Daniel R. Roulier.

Daniel Roulier was in attendance to discuss his plan to repair drainage and construct a driveway.

Agent Shapiro shared a town GIS map the lot configuration to show where the driveway and drainage would be located. She then shared the plans that the owner had submitted. Mr. Roulier explained that the area had been divided into 22 lots in 1996 and that he had kept much of the land as open space for cattle. He had built a house outside of the subdivision and the only way to get to it was by a driveway on an easement that crossed through another lot. He also retained frontage as part of the new property. That property now has a new owner. Mr. Roulier still owns the property containing the driveway and

land adjacent to the house, and a drainage pipe runs from the original house to his property.

Mr. Roulier states that the path he drives through gets very muddy so he would like to install a catch basin as well as a gravel driveway through the area. He would like to extend the pipe to an existing pipe 3-4' underground.

Agent Shapiro clarified that she understands that Mr. Roulier would like to collect water from an existing pipe, plus water collecting on the ground, and send it to the nearby wetland using an existing pipe. The work wouldn't be in the wetland, it would simply be to connect the pipes.

Mr. Roulier explained that there is a pipe there but that he can't find the end of it so he would like to replace it.

Agent Shapiro shared photos of the pipe in the yard that drains into his property and the place where the water pools in his yard.

Drew Kukucka asked what the need is for the driveway if the water is being diverted, and which activity being discussed is regulated?

Agent Shapiro stated that there is no wetland filling proposed. The change in the drainage is the regulated activity. Extending the curtain drain pipe so that it connects to the existing drainage into the wetland is what is regulated.

Mr. Roulier replies to Drew Kukucka that he simply wants easier access with a new driveway.

Agent Shapiro says that from a wetlands perspective she has no concerns.

Karl Walton says that the water is just being managed rather than just allowing sheetflow.

Joan Formeister asked if there are any questions or comments and all commission members say they do not have any.

### **3. Proposed 2021 Meeting Dates**

Joan Formeister asked if anyone has any issues with the meeting schedule. No one stated that they do.

Agent Shapiro stated that she'd put the first Wednesday of every month in the calendar.

Joan Formeister asked the commission if taking months off. The commission decided not to. Agent Shapiro asked the commission if 7:00 is a good time. The commission will keep the 7:00pm start time.

Karl Walton made a motion to accept the 2021 meeting dates as proposed

Drew Kukucka seconded. All in Favor. Motion carried.

#### **IV. AUDIENCE PARTICIPATION NONE**

#### **V. MINUTES APPROVAL: October 26, 2020**

Karl Walton made a motion to approve the minutes from October 26, 2020

Candace Aleks seconded. All in favor. Minutes were approved.

#### **VI. ADJOURNMENT**

Candace Aleks made the motion to Adjourn.

Drew Kukucka seconded.

All in Favor. Motion carried. Meeting was adjourned at 8:46 P.M.

Respectfully Submitted,  
Tara Comrie, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING